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CITY OF RYE Planning Commission

Memorandum

No. 02-2005

To: Rye City Council

From: Rye City Planning Commission

cc: O. Paul Shew, City Manager
Kevin J. Plunkett, Corporation Counsel

Date: February 9, 2005

Subject: **Kirby Lane North Sanitary Sewer Special Assessment District –
Advisory LWRP Recommendation and Other Comments**

Advisory LWRP Recommendation

At its January 11, 2004 and February 8, 2005 meetings the Planning Commission reviewed and discussed the proposed Kirby Lane North Sanitary Sewer Special Assessment District. Pursuant to Chapter 73 of the Rye City Code, the Planning Commission is required to provide its advisory recommendation to the City Council as to the consistency of the project with the 44 policies of the City's Local Waterfront Revitalization Program (LWRP).

The proposed project would extend sewer service to approximately 30 properties located on Grace Church Street and Kirby Lane North. The City's LWRP boundary applies only to those properties located on the south side of Grace Church Street. Providing public sewer to these properties is considered a public health and environmental enhancement and therefore consistent with the City's LWRP. More specifically, the Planning Commission finds that the proposed project advances LWRP policies referenced in lines 4, 5 6, 9, 15, 17 and 19 on the attached summary.

Other Comment for the City Council's Consideration

The Planning Commission also notes the following for the City Council's consideration regarding the proposed sanitary sewer district:

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- *Pump Station Aesthetic Considerations.* During the Planning Commission's meeting and public hearing, area residents raised concerns regarding the potential aesthetic impact of the proposed pump station located within the City right-of-way at the low point on Kirby Lane. The Commission recommends that the final design of the pump station and system address these aesthetic concerns and include appropriate landscape screening and other mitigation measures.
- *Future Sewer Lateral Connections.* As part of the Commission's wetland permit approval, sewer laterals required for the four properties located within the regulated wetland and wetland buffer area will not require separate wetland permits from the Planning Commission, provided they are installed within 6 to 12 months after the completion of the project. The Commission views this as an incentive to property owners closest to the wetland area to connect to the sewer system.
- *Water Connection.* The Planning Commission understands that a water main extension is also being considered as part of this project, but that the water service provider, Aquarian, has stated that the cost of the extension must be borne by the individual property owners at an estimated cost of approximately \$15,000 per property. Extending the water line would eliminate on-site wells serving as the sole potable water source for properties on Kirby Lane North. The Planning Commission strongly supports the installation of the water line as part of the sewer project and encourages the City Council to do as much as practical and reasonable to facilitate its installation and suggests that a blanket wetland permit to hook-up to the water line be extended to those properties with appropriate notification to the owners. The blanket permit would terminate at some reasonable period after the completion of the construction of the sewer project.
- *Future District Connections.* The Planning Commission expects that as the Kirby Lane North Sewer District is approved and completed there will be increasing pressure by others located outside the district that currently lack sewer to connect to the system. From a planning perspective it will be important that these properties not be permitted to connect through individual license agreements issued by the City Council. While the elimination of sewer in this area has environmental benefits, it must be done in a comprehensive manner that does not jeopardize providing sewer service to the entire area. Ad hoc private arrangements can undermine a future comprehensive solution and would not be desirable from an infrastructure or land use planning perspective. Furthermore, these connections would be unfair unless they were required to make a financial contribution towards the capital investment being borne by the property owners within the Kirby Lane North District. The Commission understands that a current Council cannot bind future legislative decisions, but recommends that there be a policy statement regarding future district connections to serve as notice to area property owners and future Councils.

Excerpt Chapter 73-5.D
Coastal Zone Management
Summary of LWRP Policies

- D. Actions to be undertaken within the Coastal Area shall be evaluated for consistency in accordance with the following LWRP policy standards and conditions, which are derived from and further explained and described in Section III of the Rye City LWRP, a copy of which is on file in the City Clerk's office and available for inspection during normal business hours. In the case of direct actions, the agency shall also consult with Section IV of the LWRP in making its consistency determination. The action shall be consistent with the policy to:
- (1) Revitalize deteriorated and under utilized waterfront areas (Policy 1).
 - (2) Retain and promote recreational water-dependent uses (Policy 2).
 - (3) Strengthen the economic base of smaller harbor areas by encouraging traditional uses and activities (Policy 4).
 - (4) Ensure that development occurs where adequate public infrastructure is available to reduce health and pollution hazards (Policy 5).
 - (5) Streamline development permit procedures (Policy 6).
 - (6) Protect significant and locally important fish and wildlife habitats from human disruption and chemical contamination (Policies 7, 7A, 7B and 8).
 - (7) Maintain and expand commercial fishing facilities to promote commercial and recreational fishing opportunities (Policies 9 and 10).
 - (8) Minimize flooding and erosion hazard through nonstructural means, carefully selected long-term structural measures and appropriate siting of structures (Policies 11, 12, 13, 14, 16, 17 and 28).
 - (9) Safeguard economic, social and environmental interests in the Coastal Area when major actions are taken (Policy 18).
 - (10) Maintain and improve public access to the shoreline and to water-related recreational facilities while protecting the environment (Policies 2, 19, 19A, 19B, 20, 21 and 22).
 - (11) Protect and restore historic and archaeological resources (Policy 23).
 - (12) Protect and upgrade scenic resources (Policy 25).
 - (13) Site and construct energy facilities in a manner which will be compatible with the environment and contingent upon the need for a waterfront or water location (Policies 27, 29 and 40).
 - (14) Prevent ice management practices which could damage significant fish and wildlife and their habitats (Policy 28).
 - (15) Protect surface and groundwaters from direct and indirect discharge of pollutants and from overuse (Policies 30, 31, 32, 33, 34, 35, 36, 37 and 38).
 - (16) Perform dredging and dredge spoil disposal in a manner protective of natural resources (Policies 15 and 35).
 - (17) Handle and dispose of hazardous wastes and effluents in a manner which will not adversely affect the environment nor expand existing landfills (Policy 39).
 - (18) Protect air quality (Policies 41, 42 and 43).
 - (19) Protect tidal and freshwater wetlands (Policy 44).